

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

WENDELL L. WILLIAMS

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marc A. Weinberg, Esquire, Saffren & Weinberg, 815 Greenwood Avenue, Suite 22, Jenkintown, PA 19046; (215) 576-0100

DEFENDANTS

AKER PHILADELPHIA SHIPYARD, INC.

County of Residence of First Listed Defendant PHILADELPHIA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Section 2000-1 (Title VII)
Brief description of cause:
Age Discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

1444 Rosalie Street, Philadelphia, PA 19149

Address of Plaintiff:

2100 Kitty Hawk Avenue, Philadelphia, PA 19121

Address of Defendant:

2100 Kitty Hawk Avenue, Philadelphia, PA 19121

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number:

Judge

Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, MARC A. WEINBERG, ESQUIRE, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 2/26/16Marc A. Weinberg, Esquire

Attorney-at-Law

60643

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

2/26/16

Marc A. Weinberg, Esquire

Attorney-at-Law

60643

Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

1444 Rosalie Street, Philadelphia, PA 19149

Address of Plaintiff: 2100 Kitty Hawk Avenue, Philadelphia, PA 19121

Address of Defendant: 2100 Kitty Hawk Avenue, Philadelphia, PA 19121

Place of Accident, Incident or Transaction: (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, MARC A. WEINBERG, ESQUIRE, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 2/26/16

Marc A. Weinberg, Esquire

Attorney-at-Law

60643

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

2/26/16

Marc A. Weinberg, Esquire

60643

Attorney I.D.#

DATE:

Attorney-at-Law

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

WENDELL L. WILLIAMS

CIVIL ACTION

v.

AKER PHILADELPHIA SHIPYARD, INC.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

2/26/16

Marc A. Weinberg, Esquire

Plaintiff

Date
(215) 576-0100

Attorney-at-law
(215) 576-6228

Attorney for
mweinberg@saffwein.com

Telephone**FAX Number****E-Mail Address**

(Civ. 660) 10/02

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WENDELL L. WILLIAMS
1444 Rosalie Street
Philadelphia, PA 19149
Plaintiff,

v.

AKER PHILADELPHIA SHIPYARD, INC.
2100 Kitty Hawk Avenue
Philadelphia, PA 19121
and
Defendant.

Civil Action Complaint

Jury Trial Demanded

No.:

COMPLAINT

I. PRELIMINARY STATEMENT

1. Plaintiff, Wendell L. Williams brings this action under Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000-1 e-1 *et seq* ("Title VII"), The Age Discrimination in Employment Act of 1967, 29 U.S.C. § 623 *et seq* ("Age Discrimination Act"), The Pennsylvania Human Relations Act, 43 P.S. § 954, *et seq*, and pursuant to applicable Pennsylvania common law. Plaintiff seeks equitable relief, compensatory and punitive damages, costs and attorney's fees from Defendants for Defendants' discriminatory practices, retaliation, and other tortuous actions.

II. JURISDICTION AND VENUE

2. Jurisdiction over this action is conferred on this Court by 28 U.S.C. § 1331, 1343 and 42 U.S.C. § 2000 e-5(f).

3. Plaintiff has complied with all jurisdictional prerequisites including those set forth in 42 U.S.C. § 2000 e-5 and was issued a Notice of Right to Sue by the Equal Employment

Opportunity Commission on about December 15, 2015.

4. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391 and 42 U.S.C. § 2000 e-5.

5. At all times material hereto, Aker Philadelphia Shipyard, Inc. (hereinafter referred to as “Defendant or Aker”) was “engaged in an industry affecting commerce” within the meanings of §701(a) and 701(b) of Title VII, 42 U.S.C. §2000e.

6. At all times material hereto, Defendant, employed more than 15 employees.

7. At all times material hereto, Defendant, was an “employer” as defined by §701(b) of Title VII, 42 U.S.C. §2000 e.

8. At all times material hereto, Defendant, was an “employer” as defined by §4 of the Pennsylvania Human Relations Act, 43 P.S. §954.

9. At all times material hereto, Defendant was an “employer” as defined by the Age Discrimination Act.

10. At all times material hereto, Defendant, was an “employer” of Plaintiff as defined by §5 of Pennsylvania Human Relations Act, 43 P.S. §955.

III. THE PARTIES

11. Plaintiff, Wendell L. Williams (hereinafter “Plaintiff or Williams”), is an adult male that resides at the above-captioned address and is 61 years old.

12. Williams is over forty (40) years old and is African American.

13. Upon information and belief, Defendants operates a ship yard with a registered address and a principal place of business located at the above-captioned address.

14. Upon information and belief, Plaintiff was disciplined on the instruction of Steven Lalumera who hereto had the authority to discipline and terminate Plaintiff.

15. At all times material hereto, the discrimination enumerated within this Complaint occurred within the Commonwealth of Pennsylvania at Defendant's, location in Philadelphia.

IV. FACTUAL BACKGROUND

16. Plaintiff is African American and 61 years old, at the time of termination Plaintiff was 59 years old.

17. Plaintiff was hired by Defendants as a welder and had worked for the Defendant for approximately twelve and a half (12.5) years.

18. Plaintiff was improperly disciplined on three (3) occasions in approximately four (4) month period by Steven Lalumera ("Lalumera") who is white and approximately fifty years old.

19. Plaintiff was disciplined because of his age and race because his work product and productivity was not deficient.

20. Plaintiff was placed on probation following said write-ups.

21. This was a demotion because plaintiff was then under higher scrutiny by the Defendant and subject to termination.

22. The reason given for the suspension and demotion was improper work product which was not true; the allegations were poor work quality and slow work.

23. At the same time other white and younger workers completed the same amount of work and production as Plaintiff did, but they were not reprimanded, nor suspended.

24. Plaintiff did not have any issues until Lalumera became his department manager in November 2013.

25. Plaintiff was terminated in or about October 13, 2014, wherein Plaintiff met all quotas required and performed the duties of his job to the fullest of his ability and to the fullest

extent permitted by his employer, and younger and/or white workers did not receive the same treatment; the assertion that I did not meet my quota was false and pretextual.

26. Aker has a history of harassing, suspending, subjecting to probation and terminating employees of color and those who are over the age of forty (40) such as Andrew Moore, Novarra McCall, David Clay and Tony Burke all of whom are men of color, are over forty (40) and were subject to such treatment.

27. On or about October 13, 2014 I was terminated because of my age and race.

28. After Steven Lalumera became the department manager, other African American workers who were older than 40 years old were terminated, to which I was one of the targeted employees.

29. Age was also a reason that I was terminated because my pension was about to vest which would have cost the Defendant more money to which the Defendant did not want to pay.

30. Upon information and belief, I was replaced with a younger worker.

31. At all times material hereto, Steven Lalumera was a decision makers regarding Plaintiff's employment with Defendant and stated that he was bringing in a "bunch of young guys coming out of school" to replace you guys, so "you better step it up a bit".

32. At all times material hereto, Steven Lalumera was acting within the course and scope of their employment.

33. Any acts or omissions attributed herein to Defendant, was committed or omitted by its principals, directors, officers, managers, and/or employees who were acting in the course and scope of their employment with said Defendant.

34. At all times material hereto, Plaintiff was subject to harassment and

discrimination based upon his Age and Race, which included a hostile work environment and retaliation with ultimate termination.

35. During the course and within the scope of his employment at Defendant, Plaintiff was subjected to discipline in the form of written warnings, suspensions and termination for conduct and/or infractions that did not occur or conduct and/or infractions for which other similarly-situated Caucasian and younger employees were not disciplined.

36. At all times material hereto the harassment, hostile work environment and discrimination to which Plaintiff was subjected was unwelcome, severe and unreasonably altered the condition of his employment.

37. Plaintiff was profoundly upset and affected by the discrimination, harassment and hostile work environment that he was subjected to during the course and scope of his employment.

38. During the course and within the scope of his employment at Defendant, Plaintiff was treated less favorably than similarly situated, non Black employees.

39. The aforementioned conduct of Defendant was materially adverse and would dissuade a reasonable worker from exercising and/or attempting to exercise their rights and benefits under The Age Discrimination in Employment Act of 1967, 29 U.S.C. §623 *et seq.*, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000, *et seq.* and the Pennsylvania Human Relations Act, 33 P.S. §951, *et seq.*

40. Defendant had a continued need for the work that Plaintiff had been performing.

41. Notwithstanding, Plaintiff's complaints and clear indication to Defendant that the aforesaid comments and conduct were unwelcome, unwanted and upsetting, the harassing

conduct continued throughout the course of his employment with Defendants.

42. At no time did Defendants, or any of the principles, supervisors, managers, officers, directors, or agents of Defendants, institute an effective grievance procedure designed to eliminate racial or aged based discrimination of employees and no reasonable steps were taken to prevent the same in the workplace; and if said policy existed; Defendant failed to follow any requirements of said policy.

43. At no time did Defendant, Defendants, have in place an effective anti-harassment policy, complaint structure, training and/or effective monitoring mechanism calculated to prevent or eliminate age or racially based harassment and/or discrimination which they knew or should have known was occurring or could occur on the premises of Defendants, particularly with regard to discrimination by management-level employees directed to subordinates.

44. As a direct and proximate result of Defendant's aforesaid acts and omissions, the hostile work environment which was created thereby, and Defendant's discriminatory practices, Plaintiff:

- (a) was discharged from his employment to his great financial detriment
- (b) was caused pain and suffering, physical injury and a loss of enjoyment of life; and
- (c) suffered severe emotional distress, embarrassment, humiliation and depression.

COUNT I
WENDELL L. WILLIAMS V. AKER PHILADELPHIA SHIPYARD
VIOLATION OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, 29
U.S.C. §623, ET SEQ AND
VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. 2000

45. Plaintiff hereby incorporates by reference all of the aforementioned allegations set

forth above.

46. The conduct of Defendant and treatment of Plaintiff in his employment violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000, *et seq.* and The Age Discrimination in Employment Act of 1967, 29 U.S.C. §623 *et seq* as Plaintiff's harassment, hostile work environment, retaliation and discrimination was based upon his Race and Age.

WHEREFORE, Plaintiff, Wendell L. Williams, demands judgment against Defendant, Aker Philadelphia Shipyard, including:

- (a) A declaration that Defendants' actions as described herein violated Title VII of the Civil Rights Act of 1964;
- (b) A declaration that Defendants' actions as described herein violated The Age Discrimination in Employment Act of 1967, 29 U.S.C. §623 *et seq*;
- (c) equitable and declaratory relief requiring Defendants, to institute sensitivity and other training for all managers, employees and supervisors to prevent age and race harassment and discrimination in the workplace;
- (d) equitable and declaratory relief requiring Defendants, to institute and enforce a specific policy and procedure for investigating and preventing complaints relating to age and racial harassment and discrimination;
- (e) equitable and declaratory relief requiring the posting of notices on the premises so that employees will know and understand their rights and remedies, including official company policy;
- (f) compensatory damages for Plaintiff's loss of past and present future income and benefits, pain and suffering inconvenience, embarrassment, emotional distress and loss of enjoyment of life;

- (g) punitive damages;
- (h) payment of interest and Plaintiff's attorney's fees and costs associated with bring the claim; and
- (i) such other relief as this Court may deem appropriate under the circumstances.

COUNT II
WENDELL L. WILLIAMS V. AKER PHILADELPHIA SHIPYARD
VIOLATION OF PENNSYLVANIA HUMAN RELATIONS ACT 33 PS 955, ET SEQ.

47. All aforementioned paragraphs are incorporated by reference as if fully set forth at length herein.

48. The conduct of Defendant's treatment of Plaintiff in his employment violated the Pennsylvania Human Relations Act 33 P.S. 955, *et seq*, as Plaintiff's harassment, hostile work environment, retaliation and discrimination was based upon his Age and Race.

49. Defendant's employment practices deprived Plaintiff of equal employment opportunities and otherwise affected her status as an employee because of his age and race.

50. As a direct and proximate result of Defendant's actions, conduct and omissions, Plaintiff has suffered the injuries and damages set forth herein past and future earnings, income, benefits, and opportunities as well as pain and suffering, severe emotional distress, mental anguish, embarrassment and a loss of enjoyment of life's pleasure.

WHEREFORE, Plaintiff Wendell L. Williams, demands judgment against Defendant, including:

- (a) a declaration that Defendants' actions as described herein violated The Pennsylvania Human Relations Act;
- (b) equitable and declaratory relief requiring Defendant, Defendants, to institute

sensitivity and other training for all managers, employees and supervisors to prevent age and race harassment and discrimination in the workplace;

(c) equitable and declaratory relief requiring Defendant, Defendants, to institute and enforce a specific policy and procedure for investigating and preventing complaints;

(d) equitable and declaratory relief requiring the posting of notices on the premises so that employees will know and understand their rights and remedies, including the official company policy;

(e) compensatory damages for Plaintiff's loss of past and future income and benefits, pain and suffering, inconveniences, embarrassment, emotional distress and loss of enjoyment of life, plus interest;

(f) payment of interest and Plaintiff's attorney's fees and costs associated with bringing this claim; and

(g) such other relief as this Court may deem appropriate under the circumstances.

**Respectfully Submitted,
SAFFREN & WEINBERG**

BY: 

**MARC A. WEINBERG, ESQUIRE
PA I.D. No. 60643
815 Greenwood Ave, Suite 22
Jenkintown, PA 19046
Attorney for Plaintiff**

Dated: February 26, 2016